1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

25

26

UNITED STATES DISTRICT COURT **DISTRICT OF NEVADA**

THEODORE HOOKS,

Plaintiff,

v.

PLATINUM HOTEL & SPA, et al.,

Defendants.

Case No. 2:10-CV-01151-KJD-RJJ

ORDER

Currently before the Court is Defendants' Motion to Dismiss (#16) filed February 23, 2011. On February 24, 2011, the Court issued a Klingele Order (#17) that notified the Plaintiff of the necessity of responding to Defendants' dispositive Motion, and identified what Plaintiff must do to adequately oppose Defendants' Motion. Despite the Court's warning, to date, Plaintiff has failed to file points and authorities in opposition to Defendants' Motion as allowed by Local Rule 7-2. Local Rule 7-2(d) allows the Court to consider failure to file points and authorities in opposition as consent to the granting of the motion.

Moreover, the Court has reviewed Defendants' Motion, and finds it to have merit. Specifically, Defendants aver that they are not state actors under 42 U.SC. § 1983, and that the Plaintiff has failed to demonstrate that Defendants were acting under color of law.

Accordingly, IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (#16) is **GRANTED** pursuant to Local Rule 7-2(d). Judgment to be entered for the Defendants.

DATED this 2nd day of June 2011.

Kent J. Dawson

United States District Judge